

EU-US Working Together to Fight Against Global Piracy and Counterfeiting

Growing global piracy and counterfeiting threatens the competitiveness of innovative industries, the livelihoods of creative artists and workers, and the health and safety of consumers in the European Union, the United States and beyond. Driven by new technologies that make it easy to rapidly produce infringing goods in commercial quantities and by fraudulent organizations, including organized criminal syndicates, that use the Internet and global trading lanes to distribute and sell those goods worldwide, this illicit activity substantially deprives rights holders of a legitimate income from their ideas, designs, brands and inventions. According to the World Customs Organization (WCO), pirated and counterfeit goods account for roughly seven to nine percent of global trade, and customs seizures of intellectual property infringing goods at EU external frontiers and US borders have increased dramatically in recent years, with a 1000% increase in intercepted counterfeit goods by EU Customs between 1998 and 2004. The last five years saw a tripling of seizures of counterfeit goods by US Customs.

We are committed to working effectively to combat piracy and counterfeiting at home and abroad and recently have taken heightened measures to strengthen our respective IP enforcement efforts. In April 2004, the EU adopted a directive aimed at harmonizing enforcement of intellectual property rights, while in July 2004 a new Customs Regulation came into force which aims at improving mechanisms for customs action against counterfeit and pirated goods. In October 2004, the United States announced a Strategy Targeting Organized Piracy (STOP!) designed to reduce trade in pirated and counterfeit goods, dismantle criminal networks that traffic in fakes, and help small businesses secure and enforce their intellectual property rights. In November 2004, the European Commission adopted a strategy for enforcement of intellectual property rights in third countries. This strategy set out guidelines for the European Commission's actions towards a reduction of the level of intellectual property violations in third countries, using political dialogue and technical assistance.

To further the efforts noted previously and to strengthen cooperation on intellectual property issues to promote innovation and protect health and safety, the EU and the US will take the following actions:

1. Promote Strong and Effective Enforcement Internally and at our Borders.

- Promote and uphold laws, regulations and/or procedures which provide, where appropriate, for:
 - Customs authority to retain or suspend the release of suspected goods without the need for a formal complaint from a private party or right holder;
 - Strong deterrence against piracy and counterfeiting;
 - Judicial authority to seize suspected infringing goods;
 - Disposal and destruction, where appropriate, of pirated and counterfeit goods and equipment and materials used to produce such goods; and
 - Predictable and clear judicial proceedings and transparent policies and guidelines related to intellectual property enforcement; and

- Publish information related to our respective intellectual property enforcement actions, including relevant statistical information.

2. Strengthen Cooperation to Reduce Global Piracy and Counterfeiting.

- Include effective intellectual property rights protection and enforcement rules in our regional and bilateral agreements;
- Send a clear and consistent message to priority countries on the importance of effectively enforcing global intellectual property rules, and work together with those countries to secure commitments and implement actions to reduce piracy and counterfeiting levels, including through bilateral consultations;
- Make intellectual property rights enforcement a key focus of our trade capacity building technical assistance to third countries, and improve coordination of our respective efforts in this area with a view to avoiding duplication, and to exchanging best practices and lessons learned; and
- Establish informal mechanisms for IPR, customs, and law enforcement experts to exchange views on best practices in addressing piracy and counterfeit problems in third countries.

3. Foster Public-Private Partnerships to Protect Intellectual Property.

- Work with our respective private sectors to exchange information on the risks of global piracy and counterfeiting and best practices to secure and enforce their rights at home and abroad;
- Encourage our private sectors to take an active part in the fight against global piracy and counterfeiting and assist competent enforcement authorities as well as the WTO and WIPO in promoting the observation of international commitments in the field of intellectual property; and
- Promote the establishment and support the efforts of networks, associations and organizations of intellectual property rights holders in third countries.